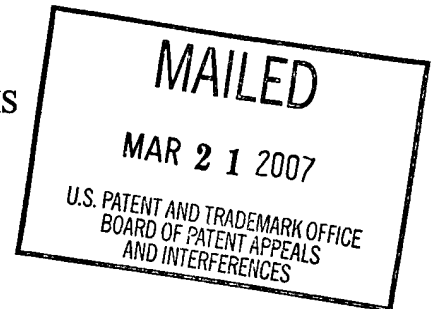


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERT E. CALLIES and CHARLES H. MEIS

Application No. 09/872,604



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

The Board of Patent Appeals and Interferences (Board) electronically received this application on December 14, 2006. The application is not ready for review and consideration by the Board for the reason(s) noted below. Accordingly, the application is herewith being returned to the Examiner to take action consistent with the guidance provided by this order.

EXAMINER'S ANSWER

On June 3, 2005, the Office mailed an Examiner's Answer that included a new ground of rejection of Claims 2, 13, 21 under 35 U.S.C. § 102(b) as being anticipated by Hane.

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or their designee. *Manual of Patent Examining Procedure*, §1207.03(I). There is no indication on the record that the Technology Center Director or designee approved the above noted new ground of rejection.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for appropriate action on the following:

- 1) to vacate the Examiner's Answer mailed June 3, 2005;
- 2) issue a Revised Examiner's Answer and if the Revised Examiner's Answer includes a new ground of rejection, approval of the the Technology Center Director or designee for the new ground of rejection is required;
- 3) and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(703)308-9797

PJN/dpv

Application No. 09/872,604

Joel H. Bock
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street – Suite 2850
Chicago, IL 60606